

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA, *

v. *

Criminal No. RDB-14-0186

Civil Action No. RDB-19-2312

RICHARD C. BYRD, *

*

Defendant.

* * * * *

MEMORANDUM ORDER

The Defendant Richard C. Byrd is presently incarcerated at the Correctional Treatment Facility (“CTF”) in Washington, D.C. serving a 26-year prison sentence. He originally petitioned this Court for Temporary Home Detention in Light of Emergency Circumstances as a result of the COVID-19 Pandemic. (ECF No. 538.) Subsequently, he filed an Amended Emergency Motion for Temporary Alteration in Conditions of Confinement. (ECF No. 539.) He has noted the outbreak of COVID-19 at CTF. The Government has filed a response (ECF No. 540), noting that this Court lacks jurisdiction to award the requested relief. This Court conducted a telephone conference with counsel on April 16, 2020 to immediately address the Defendant’s motion. In light of the immediacy of the situation, this telephone conference was not on the record.

This Court simply does not have jurisdiction over CTF in Washington, D.C. to order conditions of confinement. Furthermore, this Court presently lacks jurisdiction under 18 U.S.C. § 3582(c)(1)(A)(i) to order any change in the 26-year prison sentence previously imposed. A defendant may seek a sentence reduction only after he “has fully exhausted all

administrative rights.” 18 U.S.C. § 3582(c)(1)(A)(i); *See United States v. Bobbie Johnson*, Crim. Action No. RDB-14-0441, 2020 WL 1663360 (D. Md. Apr. 3, 2020).

ACCORDINGLY, IT IS HEREBY ORDERED this 17th day of April, 2020 that the Motions of the Defendant (ECF Nos. 538, 539) are DENIED. This ruling in no way reflects upon the current conditions at CTF or the pending lawsuit in the United States District Court for the District of Columbia. *See Banks, et al. v. Booth, et al.*, No. 1:20-CV-829 (D.D.C. Complaint filed Mar. 30, 2020).

_____/s/_____
Richard D. Bennett
United States District Judge